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## KANSAS AGITATOR.

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K. R. P. A.

### Brother Hiatt.

As we stated last week, we will say a few words about the article that appeared in that issue from the pen of Nathan Hiatt.

In the first place, he speaks of the St. Louis conference being under the control of the Plutocrats; says our representatives were influenced to adopt a platform that does not meet the present requirements and wants of the people.

Was Bro. Hiatt at that conference? If so, did he not see one of the representatives of plutocracy led out of Music hall? Did he not see several would-be leaders, who may have been plutocratic leaders, "shot down on" by the common people? There is no doubt that there were in that meeting several agents, or representatives, of both old parties and the money power, who undertook to sow seeds of discord and defeat the purpose of the conference; but they succeed only in one instance—and in that only partially. We'll speak of this further on.

Bro. Hiatt attacks the sub-treasury plan, but offers no substitute. It would certainly be difficult to frame a better financial plank than that adopted at St. Louis. The old party papers and politicians (as well as their echoes) also find fault with the sub-treasury plan, and they, too, fail to offer anything better.

Friend Hiatt also feels worried about the resolution which favors the payment to the old soldier of

the difference between the price of the depreciated money in which he was paid, and gold. The Brother seems to think that resolution was introduced by some plutocratic hireling for the purpose of keeping up a hostile feeling between the North and the South. Evidently, he does not know that the resolution was introduced by an ex-Confederate, else he would not have criticised so severely. However, Bro. Hiatt is right in one respect. He says: "This demand to pay the Union soldier the difference between the price of the depreciated money in which he was paid, and gold, does not apply to the private soldier alone, but it applies to all the officers, from corporal or sergeant up to the greatest generals, which will increase their pay (many of them) to thousands of dollars." Yet, we do not believe the resolution was introduced with a view to creating discord and defeating the People's party, but that it was introduced with the purest and best of motives.

Our friend also thinks the introduction of the question of prohibition was "another scheme of the plutocrats and money power." He says, "they [Prohibs.] will have a candidate in the race for the presidency, backed up by the great money power," etc., "for the purpose of dividing the people as much as possible and defeat us." "Now, brothers," he adds, "in order to head them off in that direction, we must have a prohibition plank in our platform, and give the honest voters who belong to this movement a chance to vote with us and save our country from impending ruin."

Bro. Hiatt is sadly mistaken if he thinks those Prohibitionists who attempted to bring about a union of reform forces, and to put a prohibition plank in the platform of the new party, were actuated by any but the best of motives. And they were not agents of the plutocrats. They were honest and earnest in their efforts and desires. Then, is it not natural, after failing to accomplish their purpose, that they should nominate a candidate for the presidency, and act independent of the other parties? Every true Prohibitionist will endorse Bro. Hiatt's suggestion

—or demand, rather—to put a prohibition plank in the People's party platform, in order to "down the plutocrats." The plutocratic agents who took a hand in the matter of prohibition in that conference were those who led in opposition to the measure, and who boasted that they had defeated it—and the leader who boasted the loudest was Robert Schilling.

Bro. Hiatt is correct in his assertion that the plutocrats will do all in their power to divide the people, but he is certainly wrong when he says, or thinks, that great industrial conference was manipulated by the plutocracy.

Let us unite—agitate—educate.

### Damage by Stock and Law.

Recently there was tried, in the district court, a stock damage suit, the main points of which are as follows: A large herd of steers broke out of the pasture in which they were corralled, in the night time, and broke through a fence that enclosed two farms near by. Both farms were occupied by tenants. One of the tenants corralled the cattle and held them for damages. The owner of the cattle refused to pay damage, and took possession of the herd on a writ of replevin. Under our law, as defined by the court, the damaged party could not recover damage, unless his premises were enclosed with a lawful fence; so the case hinged on a lawful fence. Now, it is not our purpose to criticise the result of the trial; only it is sufficient to say that the party damaged lost the case. The party damaged is a poor man, and the loss entailed works a great hardship to a man struggling with adversity, and there is a grievous wrong somewhere. If the result is the fault of the law, the law ought to be amended.

Under the ruling of the court, certain facts, that could have been proven, were suppressed, viz.: That the pasture fence was imperfect, and that the herd of steers were breachy, having broken out of the pasture on former occasions. The court also instructed the jury that before it could grant damages, it must find, by the testimony, that the point where the cattle entered the premises of the damaged party must have been a lawful fence.

Now we do not question the fairness of the court's instructions to the jury, or the fairness of the verdict, but we do most emphatically protest against a law, and a court procedure, that deprives any man of damages under the circumstances.

Let us review the case as it stands, not as it appeared in court, and we find a large herd of breachy cattle, not restrained by a good and sufficient fence. The herd breaks out in the night-time, enters the premises of a tenant farmer and destroys his crop, and because he cannot prove beyond a doubt that the fence surrounding his premises was a lawful fence, he is restrained from recovering, and must suffer loss, even though it might have been his whole crop. The tenant neglected no duty, so the raid was beyond his control.

But leaving out of the question tenant farmers, and look around over Anderson county, and we find thousands of miles of fence not lawful. We find on hundreds of farms open gateways; and we find large pastures, here and there, enclosed with imperfect fences. During the time of growing crops, the pastures contain, to their utmost capacity, herds of cattle that might at any time break out and destroy crops on the farms near by, and the law, according to the case referred to, affords no protection unless the fence at the point the breach was made could be proven to be lawful fence.

Verily, Kansas has more statutes, and less law, than any law abiding community in the civilized world. Doubtless all this will be hooted at as a "calamity howl," but, all the same, the air is full of re-action, and the next legislature, among other reforms, will require that all owners of stock enclose their stock in night-time, with a lawful fence, or be liable for all damage; and the law will be couched in no uncertain language. Such a law is only common justice and common humanity. Think of the millions of dollars invested in unnecessary fences, and then take the thought home, that, under our present laws, a large proportion of the expenditure is useless. For the present, farmers will work sixteen hours in in daytime, and stand guard over their crops during the remainder of the twenty-four. Plenty of time to sleep in winter.